



ID# 11693
SG

The State of Texas
House of Representatives

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RD-30

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Opinion Committee

The Honorable Dan Morales
Attorney General of Texas
Supreme Court Building
Austin, Texas 78711

Dear General Morales:

I am requesting an opinion concerning the Hazlewood Act in Title 3, Subchapter D, Section 54.203. The Texas Department of Corrections provides educational programs for inmates; the interpretation of this statute as it relates to prison inmates is in question.

According to the Texas Higher Education Coordinating Board, Section 54.203 places the responsibility for interpretation of this statute upon the governing board of each institution which can cause several problems. Because of the lack of a definitive ruling, colleges may be penalized for misclassifying students resulting in a loss of state funding for each case discovered during an audit.

In fairness to colleges and prison inmates planning to attend those institutions, a definitive ruling is imperative.

Section 54.203 (d) requires satisfactory evidence that the perspective student fulfills the necessary citizenship and residency requirements. I would like to know if incarceration time can be counted as time used to establish residency in Texas for the purpose of the above statute?

We look forward to hearing from you soon. Your time and effort in this matter are greatly appreciated.

Sincerely,

Senfronia Thompson
Chair, Committee on Judicial Affairs

ST/mm